

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CESAR SANTACRUZ, JAVIER
VALENCIA, et al.,

Plaintiffs,

v.

FRENCH CONNECTION BAKERY,
INC., et al.,

Defendants.

Case No.: C 07-1118 PVT
Case No.: C 08-0996 PVT

**FURTHER CASE MANAGEMENT
CONFERENCE ORDER**

On June 24, 2008, the parties appeared before Magistrate Judge Patricia V. Trumbull for a Further Case Management Conference in this consolidated case. Based on Plaintiff Javier Valencia's Case Management Conference Statement,¹ and the discussions held at the Case Management Conference,

IT IS HEREBY ORDERED that, absent extraordinary circumstances, no amendment of the pleadings shall be allowed.

IT IS FURTHER ORDERED that, absent further order of the court, the presumptive limits on

¹ No other party filed any Case Management Conference Statement or Status Conference Statement.

discovery set forth in the Federal Rules of Civil Procedure are modified as follows:

Each side may propound up to 50 interrogatories; and

Requests for admissions are limited to 20 per side.²

IT IS FURTHER ORDERED that discovery is closed as to the claims and defenses related to Plaintiff Cesar Santacruz.

IT IS FURTHER ORDERED that this case is referred to the court's mediation program.³

The parties shall promptly contact the court's ADR department to make the appropriate arrangements. If the parties wish, they may by mutual agreement opt for private mediation. In either event, the mediation must be completed no later than August 29, 2008.

IT IS FURTHER ORDERED that the following schedule shall apply to this case:

Last Date for Hearing⁴ on Plaintiffs' Motion for Class Notification⁵ . . . 10:00 a.m. on 11/4/08

Fact Discovery Cutoff. 2/27/09

Deadline(s) for Filing Discovery Motions. See Civil Local Rule 26-2

Last Date for Hearing on Defendant's Motion to Decertify Class⁶. . . . 10:00 a.m. on 3/17/08

Designation of Experts with Reports. 3/27/09

Designation of Rebuttal Experts with Reports. 4/24/09

Expert Discovery Cutoff. 5/29/09

² This limitation does not apply to requests for admission that seek nothing more than authentication of a document.

³ During mediation the parties should be mindful of two important considerations: 1) an award of *reasonable* attorneys fees is mandatory under the Fair Labor Standards Act when a court enters a judgment in favor of an employee; and 2) a substantial reduction of the amount of reasonable fees is appropriate where there is a settlement of a *bona fide* dispute. *See Yue Zhou v. Wang's Restaurant*, 2007 WL 2298046 (N.D.Cal. 2007). Also, the record in this consolidated case raises a concern that Plaintiffs' attorney has spent quite a bit of time that was duplicative and/or not necessary to the prosecution of the claims herein. In the event the Plaintiff(s) ultimately prevail, it is highly unlikely such duplicative or unnecessary attorney time would be included in any fee award. *See Zhou* at *2. The parties are, of course, free to compromise the attorneys fees as part of an overall settlement.

⁴ Any time this order sets a last date for *hearing* a motion, the motion must be noticed in compliance with Civil Local Rule 7-2(a).

⁵ *See Hoffmann La Roche, Inc. v. Sperling*, 493 U.S. 165 (1989) (approving trial court's authorization of notice to potential class members under 29 U.S.C. section 216(b)).

⁶ *See, e.g., Leuthold v. Destination Am., Inc.*, 224 F.R.D. 462, 467 (N.D. Cal. 2004) (describing two-tier approach to class certification in FLSA class actions).

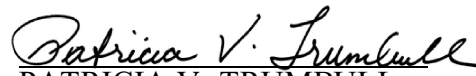
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2 Last Date for Hearing on Dispositive Motions 10:00 a.m. on 7/14/09

3 Final Pretrial Conference.. . . . 2:00 p.m. on 8/25/09

4 Non-Jury Trial 9:30 a.m. on 9/14/09

5 IT IS HEREBY ORDERED that the parties shall comply with the Standing Order for Civil
6 Practice in Cases Assigned for All Purposes to Magistrate Judge Patricia V. Trumbull (rev. June
7 2008), a copy of which is available from the clerk of the court,⁷ with regard to the timing and content
8 of the Joint Pretrial Statement, and all other pretrial submissions.

9 Dated: 6/25/08

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11 PATRICIA V. TRUMBULL
United States Magistrate Judge
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27 ⁷ A copy of Judge Trumbull's standing order is also available on the court's website at
28 www.cand.uscourts.gov by clicking first on the "Judges" button, then on Judge Trumbull's name, then
on the "Magistrate Judge Trumbull's Standing Orders" link, and finally on the bullet for "Mag Judge
Trumbull's General Order for all purposes 06/10/08."